

Kelly, Vicki

From: tom stuart [tomstuart@cableone.net]
Sent: Tuesday, June 18, 2013 1:18 PM
To: ddelaney@idcourts.net
Cc: Spencer, Nick; Fritschle, Carter; Kelly, Vicki; Fawcett, Trish; greghogan
Subject: Fwd: Water Right 71-4012 and Late Claim 71-4011
Attachments: C of O 71-4012.pdf

Good afternoon Ms Delaney, see the email below, forwarded from Vicki Kelly regarding vacating a June 25th SRBA hearing on a my motion for late claim of right 71-4011.

As right 71-4012 will be divided per terms of the change of ownership agreement, please withdraw my motion related to 71-4011. Thank you very much; please contact me if I can provide further information, and thank the court for its excellent assistance.

Thomas R. Stuart
boise 208-343-3017
stanley 208-774-2017

----- Forwarded message -----

From: "Kelly, Vicki" <Vicki.Kelly@idwr.idaho.gov>
Date: Tue, 18 Jun 2013 12:41:09 -0600
Subject: Water Right 71-4012 and Late Claim 71-4011
To: tom stuart <tomstuart@cableone.net>
Cc: "Spencer, Nick" <Nick.Spencer@idwr.idaho.gov>, "Fritschle, Carter" <Carter.Fritschle@idwr.idaho.gov>, "Fawcett, Trish" <Trish.Fawcett@idwr.idaho.gov>

Good morning Mr. Stuart

Trish let me know she had received the change of ownership for right 71-4012 yesterday, has made the changes to the department's records, and is sending out confirmation letters in today's mail.

I checked with the court today on how to vacate the June 25th continued hearing on the motion for late claim of right 71-4011. The court would accept something in writing from you or you could just appear at the June 25 hearing (telephone participation is acceptable) and orally withdraw your motion. Diana Delaney, the SRBA Case Administrator, indicated an email from you requesting to withdraw the late claim would be acceptable to the court. Her email address is ddelaney@idcourts.net.

I have attached a copy of the confirmation letter here for your advance review and, if everything looks good, you should be able to contact the court in time for the hearing on the late claim of right 71-4011 to be vacated, if you choose to do so. Please let me know if you have any further concerns or questions. Thanks very much. Vicki Kelly,
Paralegal - IDWR

<<C of O 71-4012.pdf>>

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 18, 2013

GREGORY A HOGAN
PO BOX 1795
KETCHUM ID 83340

THOMAS R STUART III
749 E HIGHPOINT LN
BOISE ID 83712

Re: Change of Ownership/Split of Water Right 71-4012
Split into 71-4012 (Stuart) and 71-10947 (Hogan)

Dear Water Right Holder(s):

The Department acknowledges receipt of correspondence splitting ownership of the above referenced water rights. The Department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Also, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 71-4012

WATER RIGHT NUMBER: 71-4012

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THOMAS R STUART III 749 E HIGHPOINT LN BOISE, ID 83712-6561 (208)343-3017

Priority Date: 05/01/1944

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SALMON RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/01 to 10/31	0.010 CFS	
	<u>Total Diversion:</u>	0.010 CFS	

Location of Point(s) of Diversion

SALMON RIVER	L2 (NE1/4SE1/4SE1/4)	Sec. 34, Twp 11N, Rge 13E, B.M.
CUSTER County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	13E	34																	.3
																			L 2

Total Acres: 0.33

Conditions of Approval:

1. C13 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 71: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
2. PROPERTY IS WITHIN LOTS 1 AND 2, BLK. 1 OF STANLEY TOWNSITE (LOWER STANLEY).
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 71-10947

WATER RIGHT NUMBER: 71-10947

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	THOMAS R STUART III 749 E HIGHPOINT LN BOISE, ID 83712-6561 (208)343-3017
Current Owner	GREGORY A HOGAN PO BOX 1795 KETCHUM, ID 83340 (208)726-5466

Priority Date: 05/01/1944

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SALMON RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/01 to 10/31	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

SALMON RIVER	L2 (SE1/4SE1/4SE1/4)	Sec. 34, Twp 11N, Rge 13E, B.M.
CUSTER County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	13E	34																.7	
																		L 2	

Total Acres: 0.67

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. PROPERTY IS KNOWN AS REDWOOD MOTEL.
PROPERTY IS WITHIN LOTS 3 THRU 7, BLK. 1 OF STANLEY TOWNSITE (LOWER STANLEY).
FIRE PROTECTION FOR MOTEL IS INCIDENTAL
3. C13 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 71:
WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Remarks: